GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – M.A.&U.D. Department - Allegation of corruption in execution of a civil work pertaining to construction of 928 houses Units) in 29 block in G+3 patterns in Survey No.21 at Paradesipalem under JNNURM Scheme in GVMC., Visakhapatnam City by the Engineering Officials of GVMC, Visakhapatnam in collusion with the Contractor – Certain irregularities committed by Sri T. Moses Kumar, the then Superintendent Engineer - Departmental Proceedings under Rule-20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 – Article of Charges - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 613 **Dated: 23-09-2019.**

Read:-

G.O.Rt.No.611, M.A. & U.D. (Vig.I) Dept., dated: 23.09.2019.

O R D E R:

It is proposed to hold an inquiry against the said Sri T. Moses Kumar, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set-out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom, the articles of charges proposed to be sustained are also enclosed in Annexures III & IV.

3. Sri T. Moses Kumar, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is directed to submit his written statement of his defense within (10) days from the date of receipt of this order.

4. Sri T. Moses Kumar, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is informed that an inquiry will be held only in respect of those articles of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri T. Moses Kumar, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is further informed that if he does not submit his written statement of defence on or before the date specified in para (3) above, further action will be processed based on the material available.

6. Attention of Sri T. Moses Kumar, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is invited to Rule 24 of the Andhra Pradesh Civil Services (conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings it will be presumed that above Sri T. Moses Kumar, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of G.O., shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

To
Sri T. Moses Kumar, the then Superintendent Engineer, Greater Visakhapatnam Municipal Corporation, Visakhapatnam **(Through the Engineer-in-Chief, Public Health, A.P., Guntur).**

(PTO)

The Engineer-in-Chief, Public Health, A.P., Guntur.

Copy to:

The Commissioner, GVMC., Visakhapatnam
The Director General, Anti Corruption Bureau, AP, Vijayawada
The Secretary to A.P.Vigilance Commission, 5th Building, A.P. Secretariat.
SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER

Annexure-I to G.O.Rt.No.613 , M.A. & U.D.(Vig.I)
Dated: 23.09.2019.

Statement of Articles of Charges framed against Sri T. Moses Kumar, S/O Vara Murthy, the then Superintending Engineer, GVMC., Visakhapatnam

That Sri T. Moses Kumar, S/o. Vara Murthy joined in government service on 10.07.1987 as Dy. Executive Engineer and while working as Superintending Engineer, GVMC, Visakhapatnam from 01.05.2005 to 30.06.2011 he has committed grave misconduct in as much as.

Charge-1:

That Sri T. Moses Kumar while working as Superintending Engineer, GVMC, Visakhapatnam had violated clause 29 (3) of the agreement by not entering into agreement within 7 days of receipt of the Letter of Acceptance (LOA) in the construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme.

Charge-2:

That Sri T. Moses Kumar while working as Superintending Engineer, GVMC, Visakhapatnam failed to accord revised technical sanction duly superseding replacing the earlier technical sanction and raising the cost of dwelling unit from Rs.1.39 lakhs to Rs 1.65 lakhs in construction of 928 houses (units) in 29 blocks in G+3 pattern in survey No.21 at Paradesipalem under JNNURM scheme.

Charge-3:

That Sri T. Moses Kumar while working as Superintending Engineer, GVMC, Visakhapatnam failed to issue necessary directions to his subordinate officials in construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme and thus, he connived with other engineering officials caused benefit to the contractor and thereby loss to the Government exchequer.

Thus, Sri T. Moses Kumar, S/o. Vara Murthy, formerly Superintending Engineer, GVMC, Visakhapatnam by the above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of Government Servant and thereby contravened Rules 3 (1) (2) & (5) of A.P.Civil Services (Conduct) Rules, 1964.

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER

Annexure-II to G.O.Rt.No. 613 , M.A. & U.D.(Vig.I) Dept., Dated: 23.09.2019.

Statement of Imputation in Support of Charges framed against Sri T. Moses kumar, S/o. Vara Murthy, the then Superintending Engineer, GVMC., Visakhapatnam

That Sri T. Moses Kumar, S/o Vara Murthy is native of Chinthalapudi (V), West Godavari district. His date of birth is 30.06.1960 and he joined government service on 10.07.1987 as Dy. Executive Engineer and worked as such MCH, Hyderabad till 22.08.2002, from 23.08.2002 to 31.12.2004 working as EE in MCH., Hyderabad, from 01.01.2005 to 30.04.2005 worked as SE., MCH Hyderabad, from 01.05.2005 to 30.06.2011 as SE in GVMC, Visakhapatnam. He is drawing a basic pay of Rs. 53,060/-. He is due to retire on attaining the age of superannuation on 30.06.2020. He is here-in-after referred to as Government Servant.

Facts of Evidence:

A Regular Enquiry was conducted into the allegations of irregularities and corruption in execution of construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 in Paradesipalem under Jawaharlal Nehru National Urban Renewal Mission (JNNURM) scheme in GVMC, Visakhapatnam against Engineering officials of GVMC, Visakhapatnam. Basing on the Regular Enquiry report dt.05.08.2014 of DSP ACB., Visakhapatnam Range requested to accord permission to register a regular case others, the DG, ACB, AP, Hyderabad vide memo in C.No.11/RE-WVP/2014, dtd. 08.08.2014, permitted the DSP, ACB, Visakhapatnam, who registered a case in Cr.No.21/ACB-VSP/2014 U/s 409, 120-B IPC r/w 109 IPC and Sec. 13 (1) (c) (d) r/w 13 (2) of Prevention of Corruption Act, 1988 of ACB Visakhapatnam Range on 08.08.2014 and took up investigation.

Charge -1

That the Government servant while working as Superintending Engineer, GVMC, Visakhapatnam had violated clause 29 (3) of the agreement by not entering into agreement within 7 days of receipt of the Letter of Acceptance (LOA) in the construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme.

During the course of investigation, on perusal of seized files / registers, it is found that the Overall Administrative Sanction was accorded by the Government for the work of "Construction of houses in 26 Urban Slums of GVMC along with infrastructure development at an estimated cost of Rs.187.85 Crores under BSUP" vide G.O.Rt.No.314/Housing (U&IAY) department dt.20.12.2006. As per the above said order, the Commissioner, GVMC had accorded Specific Administrative Sanction on 03.10.2007 for Rs. 1289.92 Lakhs for the construction of 928 houses in 29 blocks in (G+3) pattern in S.No.86 of Gajuwaka in Pedagantyada Mandal in GVMC limits under JNNURM-BSUP Scheme vide sheet No.7 of file No.7. The above work was technically sanctioned by the Chief Engineer, GVMC vide T.S.No.38/2007-08/CE/SE(P)/EE-IV(PD)/GVMC dt.13.10.2007 for Rs. 1289.92 Lakhs and vide sheet No.1 of file No.2 and the same was brought on record.

Tenders were called for the 2nd time on e-procurement platform vide Tender Notice No.26/CE/GVMC/SE(P)/EE PD-IV/JNNURM/2007-08 dt 13.12.2007, item No.3, with the dated of downloading of bid documents starting on 14.12.2007 and ending on 24.12.2007 vide sheet No.1 of file No.3. The tender was invited for the 1st time through short tender notice to which details of documents were not found and urgency of inviting tenders through short tender notice for the first time was not established. The 1st time tender call is not in accordance with the clause 8 (IV) of GO.Ms.No. 94 I&CAD(PW-COD) department dated 1.07.2003 which says "the time allowed from the date of publication of tender notices to the date of receipt of tenders is 14 days for the 1st call and 7 days for the 2nd call". It seems that APHCL, Visakhapatnam had handed over the Housing component to GVMC on 31.05.2007. In response to the 2nd call of tender, a single tender was received from K.V.Mohan Rao, contractor at 4.95% excess on ECV (Estimated Contract Value). The single tender was approved by the Commissioner, GVMC at +4.95%

(PTO)

excess over Estimate Cost Value (ECV) on 09.01.2008 on the recommendations of the tender committee, constituted as per Go Rt.No.1632 of MA & UD dt.03.12.2003 comprising members vide sheet No.14 of file No.3 and the same was brought on record. The Letter of Acceptance (LOA) was issued to the contractor vide Commissioner, GVMC's letter Rc.No.1278/2007-08/JNNURM/BSUP/CE/SE(P), dt.17.01.2008 duly asking him to conclude agreement within 7 days from the date of issue of LOA in sheet No.15 of file No.3 and the same was brought on record. The Contractor had not entered into agreement within 7 days as per clause 29.3 of Bid Document which says that "The successful tenderer has to sign an agreement within a period of 7 days from the date of receipt of communication of acceptance of tender. On failure to do so his tender may be cancelled forfeiting EMD paid by him without issuing any further notice and action will be initiated for black listing the tenderer" in sheet No.13 of file No.5 and the same was brought on record. Originally the site is located in Gajuwaka in Survey No. 86. But because of the site problem at Gajuwaka, the work was shifted to Paradesipalem in Survey No.21 pending approval from the Government. There is a need to re-cast the estimate to suit the new site conditions duly considering the SBC of soil at new location. Based on the revised cost, there is a need to accord Revised Technical Sanction duly superseding the earlier technical sanction and calling fresh tenders duly cancelling the present tender within the administrative sanction by informing to the Government.

The Contractor had entered in to agreement finally on 27.06.2008 that was also almost after a lapse of 2 months from the date of issue of ratification orders on change of site by the Government and almost 5 months from the date of issues of Letter of acceptance (LOA). Even at this 3rd instance of opportunity, there was no proposal of the engineering section to the commissioner for further orders such as calling fresh tender as per clause 29.3 of Bid Document duly cancelling the present tender even though almost 5 months time was available for them for carrying out these activities and instead they have continued with the same tenderer / contractor.

Thus, the Government Servant had violated clause 29 (3) of the agreement by not entering into agreement within 7 days of receipt of the Letter of Acceptance (LOA) in the construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme and thus, he connived with other engineering officials caused benefit to the contractor and thereby loss to the Government exchequer.

Charge-2:

That the Government servant failed to accord revised technical sanction duly superseding replacing the earlier technical sanction and raising the cost of dwelling unit from Rs.1.39 lakhs to Rs. 1.65 lakhs in construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme.

During the course of investigation, on perusal of seized files / registers, it is found that the Government have accorded Revised Administrative Sanction vide G.O.Rt.No.232, MA dt.11.02.2009, duly revising the cost of dwelling unit to Rs. 1,65,000/- and Rs.1,81,000/- in two cases and Rs.1,65,000/- in this case as against to initial cost of Rs. 1.39 lakhs. No Revised Technical sanction was accorded duly superseding the earlier technical sanction in sheet No.1 of file No.6 and the same was brought on record.

Thus in a nutshell the following are the lapses at the start of the work: 1) By not revising the Technical Sanction in two occasions i.e. a) at the first instance during the change of site and b) during the revised cost of dwelling unit in sheet No.22 of file No.2 and the same was brought on record, 2) By giving the agency about 5 months time from the date of LOA for entering into agreement in contrary to the provisions of contract at 29.3 i.e., 7 days and allowing the same to go ahead with the work and 3) By not establishing the urgency of the work in the file for allowing the agency to go ahead with the work even though almost 5 months time was available for them for carrying out these activities.

(Contd...3)

Thus, the Government Servant had violated to fix up mile stones in agreement and thereby facilitated the contractor to avoid liquidated damages (LDs) in the construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme and thus, he connived with other engineering officials caused benefit to the contractor and thereby loss to the Government exchequer.

Charge-3

That the Govt, Servant failed to issue necessary directions to his subordinate officials in construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme and thus, he connived with other engineering officials caused benefit to the contractor and thereby loss to the Government exchequer.

The Government Servant had failed to issue necessary directions to his subordinate engineering officials for entering into agreement within 7 days of receipt of the Letter of Acceptance (LOA) and to accord revised technical sanction and raising the cost of each dwelling unit from Rs.1.39 lakhs to Rs. 1.65 lakhs in the construction of 928 houses (units) in 29 blocks in G+3 patterns in survey No.21 at Paradesipalem under JNNURM scheme and thus, he connived with other engineering officials and caused benefit to the contractor and thereby loss to the Government exchequer.

Thus, the Government Servant Sri T. Moses Kumar, S/o. Vara Murthy, Superintending Engineer, GVMC, Visakhapatnam by the above mentioned acts has exhibited lack of integrity devotion to duty and conduct unbecoming of Government Servant and thereby contravened Rules 3 (1) (2) & (5) of A.P. Civil Services (Conduct) Rules, 1964.

The Government Servant has therefore rendered himself liable for regular departmental action for major penalty.

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER

Annexure-III to G.O.Rt.No. 613 , M.A. & U.D.(Vig.I) Dept.,
Dated: 23.09.2019.

List of Witnesses For Charge -1

1) Sri Nimmadi Durga Prasad, S/o. Pydithalli, Chief Engineer, GVMC, Visakhapatnam. He speaks about the contents of letter dtd.12.06.2015 reveals that irregularities and violations in construction of 928 houses at Paradesipalem in Sy.No.21 by concerned the Engineering officials, GVMC, Visakhapatnam and also speaks about the contents of Joint Inspection report dtd 06.07.2015 etc. facts.
2) Sri Nagabhusana Rao, Assistant Accounts Officers, State Audit, Visakhapatnam. He speaks about the contents of his letter dtd Nil regarding observations / irregularities / violations in constructions of 928 houses at Paradesipalem in Sy.No.21 and its related GOs etc., facts.
3) Sri M. Narasimha Rao, DSP, formerly ACB, Visakhapatnam Range and presently working at Coastal Security Police, Rushikonda, Visakhapatnam.
4) Sri K.V. Ramakrishna Prasad, DY. Supdt. of Police, ACB, Visakhapatnam Range.

List of Witnesses For Charge-2

1) Sri Nimmadi Durga Prasad S/o Pydithalli, Chief Engineer, GVMC, Visakhapatnam. He speaks about the contents of letter dtd 12.06.2015 reveals that irregularities and violations in constructions of 928 houses at Paradesipalem in Sy.No.21 by concerned the Engineering officials, GVMC, Visakhapatnam and also speaks about the contents of Joint Inspection report dtd 06.07.2015 etc facts.
2) Sri Nagabhusana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam. He speaks about the contents of his letter dtd. Nil regarding observations / irregularities / violations in constructions of 928 houses at Paradesipalem in Sy.No.21 and its related GOs etc., facts
3) Sri M. Narasimha Rao, DSP, formerly ACB, Visakhapatnam Range and presently working at Coastal Security Police, Rushikonda, Visakhapatnam.
4) Sri K.V. Ramakrishna Prasad, Dy. Supdt. of Police, ACB, Visakhapatnam Range.

List of Witnesses For Charge -3

1) Sri Nimmadi Durga Prasad, S/o Pydithalli, Chief Engineer, GVMC, Visakhapatnam. He speaks about the contents of letter dt 12.06.2015 reveals that irregularities and violations in construction of 928 houses at Paradesipalem in Sy.No.21 by concerned the Engineering officials, GVMC, Visakhapatnam and also speaks about the contents of Joint Inspection report dt. 06.07.2015 etc facts.

2) Sri Nagabhusana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam. He speaks about the contents of his letter dtd Nil regarding observations / irregularities / violations in constructions of 928 houses at Paradesipalem in Sy.No.21 and its related GOs etc. facts.

3) Sri M. Narasimha Rao, DSP, formerly ACB, Visakhapatnam Range and presently working at Coastal Security Police Rushikonda, Visakhapatnam.

4) Sri K.V. Ramakrishna Prasad, DY. Supdt. of Police, ACB, Visakhapatnam Range.

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

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SECTION OFFICER

Annexure-IV to G.O.Rt.No.613 , M.A. & U.D.(Vig.I) Dept., Dated: 23.09.2019.

List of Documents For Charge -1

1. F.I.R copy in Cr.No.21/RCO-VSP/2014 of ACB, Visakhapatnam dated 08.08.2014
2. Letter in C.No. 11/RE-WVP/Engg. Wing/2014, dtd 05.08.2014 of Sri M. Somasekhar Rao, Deputy Executive Engineer, Engineering of ACB, AP., Hyderabad containing 10 sheets.
3. Letter dtd 12.06.2015 of Sri Nimmadi Durga Prasad, S/o Pydithalli, Chief Engineer, GVMC, Visakhapatnam along with duties responsibilities of Engineering officials, GVMC, Visakhapatnam 15 sheets along with spiral book containing 132 pages.
4. Letter dtd. Nil of Sri Nagabhusana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam along with copies of GO Ms No. 94, dt 16.04.2008 r/w GO No. 35, dtd 21.03.2009 – 07 sheets.
5. Sheet No.7 of file No.7 – Current file relating to the constructions of 928 houses in Sy.No.21 at Paradesipalem containing 1 to 55 sheets.
6. Sheet No.1 in File No. 2 – A note file consisting of payment details, copy of administrative sanction proceedings of statement Government relating to the constructions of 928 houses in 29 blocks in G+3 patterns in Sy.No.86 at Gajuwaka shifted to Paradesipalem in Sy.No.21 containing 1 to 31 sheets.
7. Sheet Nos. 1, 14, 15 and clause 29.3 of Bid document of file No.3 – Bid document / tender document containing 1 to 131 sheets.
8. Sheet Nos. 13 of file No.5 – copy of Agreement
9. If any documents are required at the time of enquiry to be submitted.

List of Document For Charge -2

1. F.I.R. copy in Cr.No. 21/RCO-VSP/2014 of ACB, Visakhapatnam dated 08.08.2014.
2. Letter in C.No.11/RE-WVP/Engg.Wing/2014, dtd 05.08.2014 of Sri M. Somasekhar Rao, Deputy Executive Engineer, Engineering of ACB, AP., Hyderabad containing 10 sheets.
3. Letter dtd 12.06.2015 of Sri Nimmadi Durga Prasad, S/o Pydithalli, Chief Engineer, GVMC, Visakhapatnam along with duties responsibilities of Engineering officials, GVMC, Visakhapatnam 15 sheets along with spiral book containing 132 pages.
4. Letter dtd. Nil of Sri Nagabhusana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam along with copies of GO Ms. No.94, dt.16.04.2008 r/w GO No.35, dtd 21.03.2009 - 07 sheets.
5. Sheet No.1 of file No.6 – A file relating to the estimate, date sheet, deviation statement in respect of construction of 928 houses in Sy.No.21 at Paradesipalem containing 1 to 49 sheets.
6. Sheet No. 22 in File No.2 – A note file consisting of payment details, copy of administrative sanction proceedings of statement Government relating to the constructions of 928 houses in 29 blocks in G+3 patterns in Sy.No.86 at Gajuwaka shifted to Paradesipalem in Sy.No.21 containing 1 to 31 sheets.
7. Page No. 34 to 47 of M Book No. 1557/08-09
8. If any documents are required at the time of enquiry to be submitted.

List of Documents For Charge-3:-

1. F.I.R copy in Cr. No. 21/RCO-VSP/2014 of ACB, Visakhapatnam dated 08.08.2014.

(PTO)

2. Letter in C.No.11/RE-WVP/Engg.Wing/2014, dtd.05.08.2014 of Sri M. Somasekhar Rao, Deputy Executive Engineer, Engineering of ACB, AP., Hyderabad containing 10 sheets.
3. Letter dtd. 12.06.2015 of Sri Nimmadi Durga Prasad, S/o Pydithalli, Chief Engineer, GVMC, Visakhapatnam along with duties responsibilities of Engineering officials, GVMC, Visakhapatnam 15 sheets along with spiral book containing 132 pages.
4. Letter dtd. Nil of Sri Nagabhusana Rao, Assistant Accounts Officer, State Audit, Visakhapatnam along with copies of GO Ms.No.94, dt 16.04.2008 r/w GO.No.35, dtd. 21.03.2009 – 07 sheets.
5. Sheet No.7 of file No.7 – Current file relating to the constructions of 928 houses in Sy.No.21 at Paradesipalem containing 1 to 55 sheets.
6. Sheet No. 1 in File No.2 – A note file consisting of payment details, copy of administrative sanction proceedings of statement Government relating to the constructions of 928 houses in 29 blocks in G+3 patterns in Sy.No.86 at Gajuwaka shifted to Paradesipalem in Sy.No.21 containing 1 to 31 sheets.
7. Clause 29.3 of Bid Document
8. Sheet No.1 of file No.6 – A file relating to the estimate, date sheet, deviation statement in respect of constructions of 928 houses in Sy.No.21 at Paradesipalem containing 1 to 49 sheets.
9. Sheet No.26 in file No.2 – A note file consisting of payment details, copy of administrative sanction proceedings of statement Government relating to the constructions of 928 houses in 29 blocks in G+3 patterns in Sy.No.86 at Gajuwaka shifted to Paradesipalem in Sy.No.21 containing 1 to 31 sheets.
10. If any documents are required at the time of enquiry to be submitted.

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER